Registered No. M.—1175.

The Mysore Gazette

Vol. 55.] PUBLISHED BY AUTHORITY. [No. 11.

BANGALORE, THURSDAY, MARCH 11, 1920.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 340—*L. C., dated 5th March* 1920.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for certain matters in connection with the taking of the census is published for general information with the statement of objects and reasons :—

By Order,
P. MAHADEVAYYA,
Secretary, Mysore Legislative Council.

A Bill to provide for certain matters in connection with the taking of the Census.

Whereas it has been determined to take a census of Mysore during the year 1921, and it is expedient to provide for certain matters in connection with the taking of such census ; His Highness the Maharaja is pleased to enact as follows :— Preamble.

1. (1) This Regulation may be called "the Mysore Census Regulation, 1920." Title, extent and commencement.

(2) It extends to the whole of Mysore ; and

(3) It shall come into force at once.

2. (1) The Government may appoint any person to take, or aid in or supervise the taking of, the census within any specified local area. Appointment of census officers.

(2) Persons so appointed shall be called census-officers.

(3) The Government may delegate to such authority as it thinks fit the power of appointing census-officers which is conferred by this section.

Proof of appointment of census-officers, and their status as public servants.

3. (1) A declaration in writing, signed by any officer authorised by the Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment

(2) All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Discharge of of duties of census-officers in certain cases.

4. (1) (*a*) Every officer in command of any body of men belonging to His Highness the Maharaja's Military Forces,

(*b*) every person in charge of a lunatic asylum, hospital, workhouse, prison or lock-up, or of any public, charitable, religious or educational institution,

(*c*) every keeper, secretary or manager of any chattram, hotel, boarding-house, lodging-house, emigration depot, or club, and

(*d*) every occupant of immovable property who has at the time of the taking of the census not less than twenty persons living on or in such property, and every manager or officer of a railway or other commercial or industrial establishment who has at such time not less than ten persons employed under him,

shall, if so required by the District Magistrate, or by such officer as the Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house or present on or in such immovable property, or are employed under him, as such Magistrate or officer may, by written order, direct.

(2) All the provisions of this Regulation relating to census-officers shall apply, so far as they can be made applicable, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under Section 187 of the Indian Penal Code.

Power of District Magistrate to call upon certain persons to give assistance.

5. (1) The District Magistrate, or such officer as the Government may appoint in this behalf for any local area, may, by written order, which shall have effect throughout the limits of his district or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, farmers, and assignees of land-revenue or their agents.

(*b*) all village officials in alienated tracts including inam and kayamgutta villages and jahgirs, and

(*c*) all members of village panchayets, Taluk Boards District Boards and Municipal Councils constituted under the Mysore Local Boards and Village Panchayets Regulation, 1918, and the Mysore Municipal Regulation, 1906,

to give such assistance as he needs towards the taking of a census of the persons who are at the time of the taking of the census on the lands of such owners, occupiers, holders, farmers and assignees, or in the villages or other areas for which such village officials, panchayets, Local Boards and Municipal Councils are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees and lessees or their agents and such village officials and the members of such panchayets, Local Boards and Municipal Councils, shall be bound to obey it.

Asking of questions by census-officers.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the official Gazette, he may be directed to ask.

Obligation to answer questions.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to allow access, and permit affixing of numbers.

8. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier or manager to fill up schedule.

9. (1) Subject to such orders as the Government may issue in this behalf, any census-officer may leave, or cause to be left—

(*a*) at any dwelling-house within the local area for which he is appointed, or

(*b*) with any manager or officer of any commercial or industrial establishment who has at the time of the taking of the census not less than ten persons employed under him,

a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part or the persons employed under such manager or officer at the time of the taking of the census, as the case may be.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates or the manager or officer with whom it is left shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, or the persons employed under him at the time aforesaid, as the case may be, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and sign to the census-officer, or to such person as the census-officer may direct.

Penalties.

10. In any of the following cases, namely:—

(*a*) if a census-officer or a person lawfully required to give assistance towards the taking of a census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Regulation, or with any rule duly made thereunder,

(*b*) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return, or without the previous sanction of the Government, discloses any information which he has received by means of or for the purposes of a census return,

(*c*) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by Section 7 so to answer,

(*d*) if any person occupying any house, enclosure or other place refuses to allow a census-officer such reasonable access thereto as he is required by Section 8 to allow,

(*e*) if any person removes, obliterates, alters or injures before the nineteenth day of August 1921, any letters, marks or numbers which have been painted or affixed for the purposes of the census,

(*f*) if any occupier of a dwelling-house or part thereof or any person with whom a schedule is left under Section 9 knowingly and without sufficient cause fails to comply with the provisions of Section 9 or makes any false return under that section,

he shall be punishable with fine which may extend to fifty rupees.

Jurisdiction in prosecutions.

11. (1) The Government may, by notification in the official Gazette, declare before what classes of Magistrates prosecutions under this Regulation may be instituted.

(2) No prosecution under this Regulation shall be instituted except with the previous sanction of the Government, or of some officer authorised by the Government in this behalf.

Records of census not open to inspection or admissible in evidence in certain proceedings.

12. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such officer or any schedule delivered under Section 9, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1904.

Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of Mysore during the year 1921, cause the census of the municipality to be taken wholly or in part by any method authorised by this Regulation.

Power in regard to expenses.

14. Notwithstanding anything in any enactment or rule, in regard to municipal, local or village funds, the Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Regulation may be charged to any municipal, local or village fund constituted for, and on behalf of, the area within which such expenses were incurred.

Power to make rules.

15. (1) The Government may make rules for carrying out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing—

(*a*) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census and for the general instructions to be issued to such officers and persons.

(*b*) for the enumeration of persons employed on railways and their families and of other classes of the population for whom it may be necessary or expedient to make special provision, and

(*c*) for the enumeration of persons travelling on the night when a census is taken.

Statement of objects and reasons.

This Regulation is intended to provide for the taking of a General Census in 1921. It is based on the corresponding Regulation of 1910 and on the Act recently passed by the Government of India and embodies the changes introduced into that Act on the recommendation of the select committee.